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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,736	02/20/2004	David Ray Burritt		6624

7590
David Ray Burritt
1350 Bellaire
Broomfield, CO 80020

09/12/2007

EXAMINER

SHRESTHA, KIRAN K

ART UNIT	PAPER NUMBER
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2173

MAIL DATE	DELIVERY MODE
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09/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/783,736

Applicant(s)

BURRITT, DAVID RAY

Examiner

Kiran K. Shrestha

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the amendment filed on July 11, 2007. The amendment cancelled claim 8 and amended 4-7. Thus, claims 1-7 are currently pending and have been considered below.

Specification

2. The previous objections to the specification have been withdrawn due to the fact that the applicant has positively addressed the issues

Claim Objections

3. The previous objections to the claims 3-7 have been withdrawn due to the fact that the applicant has positively addressed the issues.

Claim Rejections - 35 USC § 112

4. The previous claim rejections to the claim 7 have been withdrawn due to the fact that the applicant has positively addressed the issues.

Response to Amendment

5. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by **Abbott et al.** (US7080322A1).

Claim 1: Abbott discloses a method for a handheld computer to select a `theme` based on real time information (column 32, line 9-12).

Claim 2: Abbott discloses a method for a server to select a theme and, when a handheld computer connects to it via a WAN (Wide Area Network) or LAN (Local Area Network) inform the handheld computer which theme to use (column 43, lines 37-43 and Fig. 14: items 1400, 1421, 1465).

Claim 3: Abbott discloses a method for a server to pre-select a theme and when a handheld computer connects to it via a WAN or LAN inform the handheld computer which theme to use (column 25, line 25-34: "pre-defined theme to share between server and client (computer)").

Claim 4: Abbott discloses the method of claim 1 plus the ability to load the theme from the handheld's main memory storage area (column 30, lines 65-67 ("memory") and column 31, lines 1-10).

Claim 5: Abbott discloses the method of claim 1 plus the ability to load the theme from the handheld's auxiliary or external storage area (column 33, lines 26-30: "external sources").

Claim 6: Abbott discloses the method of claim 1 plus the ability to load the theme from an external server (column 34, lines 32-39).

Claim 7: Abbott discloses the method of claim 1 plus the ability to take an image from a web cam or other real-time image and convert it to an image suitable for displaying as a 'theme' (column 19-30).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a. **Gottsman et al.** (US6134548): This reference teaches theme for website.
 - b. **Rosenzweig et al.** (US7020848B2): This reference teaches navigating and retrieving pictures and displaying as thumbnail.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiran K. Shrestha whose telephone number is 571-270-1691. Draft or Informal faxes, which will not be entered in the application, may be

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submitted directly to the examiner at (571) 270-2691. The examiner can normally be reached on Mon- Fri (Alt. Fri Off) 0700-1630 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached on (571) 272-4048 Art Unit 2173. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

K.S.
KS

September 10, 2007

TADESSE HAILU

Patent Examiner

